

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11005 of 2018

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1. Vijay Kumar son of Baij Nath Yadav resident of 25, New Sipara Matkhan, Patna to Gaya Line, Near Gyan Bharti School, Shekhpura, Dehlwan, Patna, Bihar - 800020.
 2. Dilip Kumar son of Dashai Saw resident of village - Parariyawa, Police Station - Bikram, Waziapur, District - Patna.
 3. Ashok Kumar son of Ram Ashish Yadav resident of Mankoura, Mobarakpur, Police Station - Mobarakpur, District - Patna.
 4. Anuj Kumar son of Sri Prasad resident of village - Shahjahanpur, Tehsil Patna, Police Station - Shahjahanpur, District - Patna.
 5. Santosh Kumar Singh son of Ram Balak Singh resident of village - Akauna, Punpun, Police Station - Punpun, District - Patna.
 6. Deepak Kumar son of Sudhir Kumar Singh Resident of Village - Nayagram Jamunipur, P.S. - Maner, District - Patna.
 7. Mukesh Kumar son of Bipin Bihari resident of Gli No. 08, Gola Road, Near St. Karens High School Bank Colony, Police Station - Danapur, District - Patna.
 8. Binod Kumar Singh son of Late Shiv Shankar Singh resident of village - New Mabarakpur, Police Station - Danadpur Cantt., District - Patna.
 9. Ashok Kumar son of Chandra Bhusan Singh resident of Hathi Tola, Danapur Maner, Police Station - Danapur, District - Patna.
 10. Ranjit Kumar Sharma son of Ramakant Sharma resident of village - Shiyarampur Paliganj, Police Station - Paliganj, District - Patna.
 11. Kaushal Kumar son of Sri Satendra Sharma resident of village - Dhondhari Bharthu, Police Station - Jehanabad, District - Jehanabad.
 12. Himanshu Kumar son of Parmeshwar Prasad resident of village - Mungila Post Office - Shankarpur Imamganj, Police Station - Paliganj, Jamharu, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Department, Bihar, Patna.
2. The Chief Circle Officer, Punjab National Bank, Patna Human Resource Department, Circle Office, R - Block, Patna.
3. The Dy. Chief Circle Officer, Punjab National Bank, Patna.
4. The Director, Sainik Kalyan Directorate, Home Department, Government of Bihar, New Punai Chak (Officers Flat No. 39/84) Patna.
5. The Assistant General Manager, HRD Department, Punjab National Bank, Circle, R - Block, Patna.
6. The Zila Sainik Kalyan Padadhikai Patna Sainik rest House, Danapur Cantt. 801503.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Neerad Parashar, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha- GP27
		Mr. Mukund Mohan Jha, AC to GP27
For Bank	:	Mr. Kumar Priya Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 24-09-2018

Heard the parties.

In the present writ petition, the petitioners are challenging the order dated 07.01.2018 passed by the Bank which has been circulated by the different Newspapers published on 25.01.2018 informing all the persons that due to administrative reason the recruitment process of 2015 – 2016 for Armed Guards stands cancelled, though the reasons have not been assigned.

In the counter affidavit of the Bank fact has been brought that after the completion of entire process the names of the petitioners were sent to the Head Office for approval for appointment and Head Office has found that the advertisement which was published for recruitment of Armed Guards suffers from various illegalities as the advertisement does not make provision for reservation and the same has been returned to the Circle Office and Circle Office in follow up action, cancelled the selection process of the Bank.

Learned counsel for the petitioners submits that from the list, it appears that person of different categories are already there in the panel and as such there was no need for cancellation of the advertisement as well as candidature of those persons who were found suitable for selection as Armed Guard. The Bank, instead of



cancellation of selection should have proceeded further for selection and appointment following the provision of reservation, but the counsel for the Bank has submitted that there may be several persons of reserve category under wrong impression might have not applied, looking to the nature of advertisement making no provision for reservation and advertisement itself is defective advertisement and it could not be proceeded further, as there is no provision for reservation and as such the advertisement itself suffers from illegality under Articles 14 and 16 of Constitution of India.

Having considered the rival contentions of the parties, this Court is not satisfied with the submission of the petitioner because of fact that the advertisement is completely silence having not made any provision for reservation itself suffers from illegality.

In such circumstances, firstly the advertisement must reflect the number of posts of reserved category candidate vis-à-vis for other categories of candidates of different classes which is not there in the advertisement.

In such circumstances, this Court is of the view that advertisement itself is illegal advertisement and by way of corrective measures cancelled the selection process.

Learned counsel for the petitioner has raised a grievance that they would not be able to make an application in another Bank as their



names have been registered in the Punjab National Bank unless and until their names are not returned.

The Authority is directed to return the names of the petitioners within a period of fifteen days from the date of receipt/production of a copy of this order and the petitioners, if so like, they can again apply against the advertisement, if any, published by the Bank in future and in terms of provision of rule, if any, the petitioner would be given the benefit of age relaxation.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.9.2018
Transmission Date	NA

